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WATSON, FARLEY & WILLIAMS (NEW YORK) LLP 100 Park Avenue, 31st Floor New York, NY 10017

Tel: (212) 922-2200 Fax: (212) 922-1512

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SONY ERICSSON MOBILE COMMUNICATIONS AB

Petitioner,

- against -

DELTA ELECTRONICS PUBLIC COMPANY LIMITED (THAILAND),

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

09 Civ. <u>20995</u> (BST)

ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION.
AND TEMPORARY.
RESTRAINING ORDER

UPON THE MOTION of Petitioner Sony Ericsson Mobile Communications AB ("Sony Ericsson") pursuant to 9 U.S.C. §§ 201-208 and Article 62 of the N.Y.C.P.L.R., the Verified Petition, Affirmation of Magnus Steen dated February [●], 2009, the Affidavit of Neil A. Quartaro, dated February [●], 2009, Sony Ericsson's Memorandum of law, and all the pleadings and proceedings had herein,

LET PLAINTIFF SHOW CAUSE before the Honorable Rankara Jones, United States District Judge, at 500 Pearl Street, Courtroom 18B, New York, NY, on the 19d day of February, 2009, at 2 : (1) why an Order attaching the assets of Delta Electronics Public Company Limited (Thailand) ("Delta") in the S.D.N.Y. up to \$3,562,737.70 should not be entered; (2) why judgment be entered on the arbitration award dated June 30, 2008 (the "Award"), in favor of Sony Ericsson and against Delta; and (3) granting Petitioner be allowed the attorney's fees and costs of this proceeding.

IT IS ORDERED that copies of this Order and supporting papers should be served by email and courier upon counsel for Respondent in the underlying arbitration:

Advokat Bengt Ake Johnsson
White & Case Advokat AB
Nybrogatan 3
P.O. Box 5573
SE-114 85 Stockholm
Sweden
Email: bengtake.johnsson@whitecase.com

And by courier upon Delta's Thai counsel:

Allen & Overy (Thailand) Co., Ltd. 22nd Floor, Sindhorn Tower III 130-132 Wireless Road Lumpini, Pathumwan, Bangkok 10330 Thailand

And by courier upon Delta to:

Delta Electronics Public Company Limited (Thailand) No. 909 Moo 4 T. Praksa, A. Muang Samutprakan Thailand

IT IS FURTHER ORDERED that any answering papers be served upon counsel for Sony Ericsson, Watson, Farley & Williams (New York) LLP, 100 Park Avenue, 31st Floor, New York, NY 10018, fax (212) 922-1512 (nquartaro@wfw.com, ayudes@wfw.com) in the same manner on or before February __________; and ________; and _________; and _______________;

IT appearing that immediate and irreparable injury, loss or damage would result to the Petitioner herein before notice can be served and a hearing had if Respondent Delta is allowed to instruct garnishees to distribute or otherwise transfer the sum sought, it is

Bank of America, Citibank, Deutsche Bank, HSBC USA Bank NA, JPMorgan Chase Bank, Standard Chartered Bank, and The Bank of New York, (the "Garnishees") be and hereby are enjoined and restrained from distributing or otherwise transferring the sum of \$3,562,737.70, held by one or more of the Garnishees for the benefit of Delta; including but not limited to anyzerunds held in accounts nominally located in the Cayman Islands but administered in New York; and it is

FURTHER ORDERED, that an agent of Watson, Farley & Williams (New York) LLP be and is hereby appointed, in addition to the United States Marshal, to serve this Temporary Restraining Order and the Verified Petition, and any interrogatories, upon the Garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by the Petitioner) may hold assets of, for, or on behalf of the Respondent.

Dated: New York, New York February 4, 2009

U.S.D.C. Fart I

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